

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)	MDL NO. 1456
)	Civil Action No. 01-12257-PBS
)	Subcategory Case No. 03-10643-PBS
THIS DOCUMENT RELATES TO:)	
)	
<i>The City of New York, et al.,</i>)	Judge Patti B. Saris
v.)	
<i>Abbott Laboratories, et al.</i>)	

**PLAINTIFFS' NINTH UNOPPOSED MOTION TO EXTEND THE 90-DAY ORDER OF
DISMISSAL AS TO DEFENDANT KING/MONARCH GROUP**

Plaintiffs The City of New York and New York Counties in MDL 1456 (collectively “plaintiffs”) hereby move the Court to extend the 90-day Order of Dismissal of July 7, 2011 (“90 Day Order of Dismissal”) (Docket No. 7656, Sub-Docket No. 296) a ninth time, to allow an additional 30 days to conclude settlement discussions with King Pharmaceuticals, Inc., King Research and Development and Monarch Pharmaceuticals Inc. (collectively “King/Monarch” or “King/Monarch Group”), obtain requisite signatures and file the necessary papers with the Court before the Order of Dismissal becomes final. Defendant King/Monarch Group is the sole defendant remaining in the case, and does not oppose or object to the further extension of the 90-Day Order of Dismissal (Docket No. 7656, Sub-docket No. 296).

At a hearing on June 23, 2011, plaintiffs reported to the Court that, except for one defendant,¹ it had settled or reached agreements in principle to resolve all claims against all other defendants in this action, including the King/Monarch Group. Plaintiffs further reported

that it would take some time to draft and negotiate the details of the settlement documents, obtain the requisite signatures and file formal dismissal papers. Thereafter the Court entered an Order of Dismissal on July 7, 2011 allowing the parties 90 days to finalize the settlement. Docket No. 7656, Sub-Docket No. 296. At the request of plaintiffs and various settling defendants, the 90-day period was extended to December 5, 2011 by Electronic Court Order on October 6, 2011, and extended a second time to February 3, 2012 by Order dated December 9, 2011 (Docket No. 7983, Sub-Docket No. 315). On February 16, 2012, the 90-day period was extended again, until May 3, 2012, when the Court entered the parties' Third Joint Motion to Extend the 90-day Order of Dismissal as to Certain Defendants. See the Court's February 16, 2012 Electronic Order. On May 4, 2012, the Court entered the parties' Fourth Joint Motion to Extend the 90-day Order of Dismissal as to Certain Defendants, extending the 90-day period to August 1, 2012. See Docket No. 8146, Sub-Docket No. 331. On August 10, 2012, the Court entered the parties' Fifth Joint Motion to Extend the 90-Day Order of Dismissal and extended the 90-day period to October 30, 2012. See Docket No. 8186, Sub-Docket 337. On October 31, 2012, the Court entered plaintiffs' Sixth Unopposed Motion to Extend the Order of Dismissal as to Defendant King/Monarch by another 30 days until December 31, 2012. See Docket No. 8215, Sub-Docket No. 340. On December 27, 2012, the Court entered plaintiffs' Seventh Unopposed Motion to Extend the Order of Dismissal as to Defendant King/Monarch by another 30 days until January 30, 2013. See Docket No. 8239, Sub-Docket No. 343. On January 29, 2013 the Court entered plaintiffs' Eighth Unopposed Motion to Extend the Order of Dismissal as to Defendant King/Monarch by another 30 days until March 1, 2013. *See* Docket No. 8248, Sub-Docket No. 346.

In the time since July 7, 2011, counsel for plaintiffs and all the settling defendants,

¹ Plaintiffs and the last defendant have since reached a settlement in principle, which was subject to a separate extended order dismissal and time frame.

including the King/Monarch Group, have negotiated diligently and in good faith on the terms of each respective settlement agreement and related documents. Plaintiffs have finalized settlements and submitted formal dismissals for all defendants covered by the Court's 90-day Order of Dismissal of July 7, 2011 (Docket No. 7656, Sub-Docket No. 296), except for the King/Monarch Group. Despite their efforts, plaintiffs and King/Monarch Group need additional time to finalize negotiations, obtain requisite signatures and submit all necessary documents with the Court. Plaintiffs do not anticipate problems finalizing the remaining settlement and filing all necessary documents with the Court by April 1, 2013.

For the foregoing reasons, it is respectfully requested that the Court modify its 90-day Order of Dismissal of July 7, 2011 to allow plaintiffs and King/Monarch Group up to and including April 1, 2013 to file the requisite documents with the Court seeking dismissal with prejudice pursuant to their settlement.

Dated: February 27, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Kathryn B. Allen, hereby certify that I caused a true and correct copy of the foregoing **PLAINTIFFS' NINTH UNOPPOSED MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL AS TO DEFENDANT KING/MONARCH** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: February 27, 2013

/s/ Kathryn B. Allen
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